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KANGAROO COURT
versus
THE JOHN BIRCH
SOCIETY

by

A.J. MacDonald

1963

Kangaroo Court
versus
The John Birch
Society

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WHAT DOES ON BEHIND THE BALLOT BOX?

During the last twenty years this writer has spent most of his working life in the field of politics as a political organizer, as a fund raiser, or as a consultant to many major candidates across this country, including the President of the United States.

I have watched the malicious, cunning, and cruel attacks of politicians leave their scars on their opponents. I have watched the happiness or sadness of the people in the campaigns the morning after it was over. I have watched the selfish attitudes of politicians across this nation take their toll on religious societies of this nation.

For twenty years, I have watched the diabolical, cunning plan of the international Communist conspiracy, operating either openly or undercover on the political arena in the United States for the purpose of a takeover.

But never in my political career have I ever witnessed anything comparable with the blood bath of invective, distortion and propaganda heaped on the John Birch Society of the United States during the past three years.

Whenever, something like this happens in the political world, it makes the professionals sit up quick, blink at least once, and give thought to what has happened. They know, as I know, that only a well-organized, well-disciplined and well-financed organization, with pipe-lines into all our media of communication, and with thousands of conscious (and evermore non-conscious) members in the United States could do that kind of a job; could do it so fast and so effectively. Every bit of evidence pointed to the international Communist conspiracy - and its American agents and co-workers. X

I, for one, blinked more than once and was forced to open my eyes wide. As soon as I realized what was happening and recovered from the shock, I knew that I must take some action. Not to defend the John Birch Society, for I am not a member of that organization, nor do I necessarily agree with all its purposes or acts.

What deeply disturbed me was the degree to which otherwise responsible people - businessmen, educators, public officials, editors, writers and commentators, as well as members of the clergy, -- became the unwitting tools of this master smear and brainwashing technique of the Communists. I saw brave men and women, whose records as devout and law abiding citizens were beyond reproach, labeled, not merely as "extremists", and "ultra-reactionaries" but as "fascist minded", "nazi minded", and "even worse than the communists", accused of seeking to stir up

race against race, group against group, religion against religion. The hate campaign against the members of the John Birch Society engulfed the nation as thick as a Los Angeles smog --- but far more deadly. (No wonder there wasn't time to keep a close eye on Khrushchev's missile build-up in Cuba.)

In trying to defend themselves and retaliate against this type of mental blood-bath, Birch members made sincere efforts to hit back, as every red blooded American would do. I watched them as they came back from the propaganda front reeling from the attack of the Communist conspiracy.

The thing that disturbed me the most is that I didn't see the somewhat batty "little old ladies in sneakers" as the Attorney General in the State of California described them. What I did see were generals of the Army, admirals of the Navy, industrialists and businessmen who had built this nation, -- Democrats and Republicans alike, -- many with silver-grey hair that only time and wisdom could place there. With faces pale, and hearts broken, they found themselves classed with the Ku-Klux Klan, the Nazi Bund, and other sordid organizations.

As I stated before, I am not going to defend the John Birch Society, its purposes or organizational method. That is its job - not mine. But I am going to attack the army of international Communist conspirators together with the radicals, psuedo liberals and prostituted intellectuals who joined forces in the most gigantic witch-hunt of modern times.

If such a well-financed, well-organized and blood-thirsty attack is permitted to go unchallenged (and I have seen no evidence that the otherwise so vocal bleeding-hearts are doing anything about it) then I ask:

When will this army of political cut-throats be called to the colors again? Against what organizations, what programs, what personalities will they launch their next attack? Will it be the American Legion--already much maligned? Will it be the Knights of Columbus or the Masons? Will it be some independently minded organization of farmers, professional people or labor? Will it be a religious group? Shall we permit those who prefer the world of Moscow, Peking and Havana to tear us asunder; to cause us to denounce and hold suspect every fellow American with whom we disagree! Shall we be chopped to pieces by the very devices meant to serve and strengthen American freedom! If members of the John Birch Society are to be denied the right to be heard at the bar of public opinion -- how long before those rights will be denied to you and to me!

NAILING DOWN THE CHARGES

"The powerful right-wing groups, such as the John Birch Society, threaten to pinch out cultural buds in their puritanical campaigns and Communist witch-hunts", wrote Anthony Brown, in the December 16th, 1962 London Times Sunday magazine section. The feature article, titled "California, The Tarnished Paradise," went on to state "To John Birch hot gospellers 'nudity is sin'."

"To them, any degree of non-conformity amounts to Communism. Their illiberal attitudes have penetrated the schools, the churches, the guilds, almost every aspect of community life, imposing a degree of conformism not so very different from that expected of a writer or musician in the Soviet Union."

Who Anthony Brown is I do not know. But I do know that these ridiculous and libelous charges against both Birchers and Californians as a whole were printed in England's leading "conservative" daily paper, and must have been read and accepted as truthful by hundreds of thousands of its readers.

Where did Mr. Brown get his "facts"? What authorities did he consult?

Perhaps he spoke with Dr. Louis Finkelstein, chancellor of the Jewish Theological Seminary and a self-admitted expert of ethics. Dr. Finkelstein is quoted in the Los Angeles Times of January 12, 1963 as

saying that the defilement of man is a great social danger of which such organizations as the John Birch Society are guilty.

"The John Birch Society's desire to impeach Chief Justice Warren for the effort of the Supreme Court to bring about the equalization of white and Negro, and the defense of the underprivileged, is a greater danger to our nation than either the Russians or the Chinese.

The Birchers seek to break down our morals and standards, whereas, at best, our competitors across the ocean threaten our bodies which we are equipped to defend."

If we take Dr. Finkelstein at his word, then the \$40 to \$50 billion dollars we have been spending annually to defend ourselves against the military might of the Communist world has been largely wasted. The real menace is "the enemy within - the Birchers". These could all be wiped out for a fraction of that outlay --- and the job would evidently no more upset the good doctor's ethics than did the gas chambers of Dachau and Buchenwald upset Hitler's.

But where did Dr. Finkelstein get his information about the John Birch Society?

Perhaps he had read or heard Governor Edmund G. (Pat) Brown of California in one of his oft repeated pronouncements on the Birchers. For example:

"The American who is a true anti-communist will recognize the John Birchers as false prophets. They are

no more loyal to the Constitution than the Communists they profess to despise. And they use the same techniques." (L.A. Times, Oct. 17, 1962)

"Governor Brown said Monday night that the advocacy of U.S. Supreme Court Justice Earl Warren's impeachment by the John Birch Society is 'subversion of the worst kind.'" (L.A. Times, Oct. 16, 1962)

In the same San Diego speech, quoted above, the Governor said the John Birch Society "is a secret organization that doesn't believe in democracy and is afraid of the rule of the majority." (L.A. Times, Oct. 17, 1962)

Or he may have read what Governor Brown told the Board of Rabbis of Southern California:

That he considers the John Birch Society "almost as dangerous to our country as communism....these people can be dangerous--they're infiltrating school boards and city councils, and it frightens me when I see what these people do." (L.A. Times, May 17, 1962)

Perhaps he relied on the statement made by Assemblyman Gordon H. Winton, Jr., Democrat of Merced, California:

"The society may be more dangerous than communism because it looks either toward anarchy or fascism in the United States, but I'm not sure which." The danger is "even more pressing", added Winton, because the Birchers are "cloaked with an aura of respectability." (L.A. Times, Mar. 23, 1961)

The London Times correspondent could have had his pick

of statements from Governors, Senators, and Congressmen, not to mention the host of newspaper columnists or television and radio commentators. Senator Young (Republican of North Dakota) said "I assert the John Birch Society is a fascist group." Governor Gaylord Nelson of Wisconsin added a new note by suggesting that the real goal of the John Birch Society" is far less to combat the pathetic remnants of the Communist Party than it is to emasculate progressive legislation."

A California State Bar Convention was urged to "recognize the Society for what it is -- a conspiratorial group devoted to the big lie and the big smear."

The members of the Birch society were variously described as "fanatics", "fear-ridden", "sinister", and "just a goose step away from the goon squads" to cite but a handful of the epithets hurled at them.

The Communist propaganda machine is one of the oldest, largest, smoothest, best organized, best financed organizations in the world. Every time a movement (or a personality) has appeared which seemed a real threat to communism, all stops were pulled, and no holds were barred to attack and discredit the enemy. The record is one and the same--and the tactics identical, whether the battle be fought in Great Britain, France, Italy, Canada or the United States.

Here was an organization - a militant organization -

dedicated to uprooting not alone the communists in our midst, but all those in public office, or in positions of trust or leadership anywhere, who were stooging for them. This meant that a great many toes were being stepped on. It meant that persons in high places found their speeches and writings condoning or supporting pro-communist organizations and activities under critical scrutiny and open attack.

Those who looked with favor upon the use of pressure tactics by labor unions cried "unfair" when the Birch Society members used pressure against those they believed to be too soft on Communism.

It meant that politicians - who viewed the Americans for Democratic Action as quite proper in seeking to shape the policies of the Democratic Party to its left-wing position - howled with rage and anger that the Birchers sought to use their influence to turn our major political parties more to the right.

It meant that there was too much activity at the grass roots level; too many parents pestering school boards and city councils; too many citizens writing letters to editors about columnists they didn't like; too many ardent people going to too many public meetings, asking too many questions, and taking down too many notes.

So the John Birch Society had to be stopped, its leadership discredited, its members confused and demoralized, its organization wrecked.

In the face of this attack many Birchers undoubtedly said and did things which they would not otherwise have said or done. Most of them were well known and respected in their own communities -- but suddenly they saw themselves as in a distorted mirror. Their words came back twisted with new meanings. Their actions were misinterpreted. They were being linked with the very forces they had set out to fight.

It was all very confusing. Friends asked them to quiet down, to resign, to repudiate the Birch organization. And some did. But most of them hung on. They learned through their mistakes. And they also learned that the anti-Birch propaganda finally was losing its effectiveness. It had been over-done and over-sold.

The major enemy remained the same -- but many a writer, many a commentator was having second thoughts about what he had said and written. Maybe the Birchers weren't all bad. Maybe they weren't all crackpots or conspirators. Maybe there was an internal as well as an external communist threat that needed to be met.

WHAT IS -- WHO IS -- SUBVERSIVE ?

The verb "subvert", according to all major dictionaries, has three basic meanings:

- 1) To overthrow from the foundation
- 2) To pervert or corrupt a person by undermining his morals, allegiance, or faith,
- 3) To render futile, void, inoperative, or the like, as, to subvert the principles of religion, the constitution, or the government.

In 1943, the House Committee on Un-American Activities, after lengthy deliberation, came up with the following definition of "subversive activity" which has been quite generally accepted since then:

"Subversive activity derives from the conduct intentionally destructive of or inimical to the Government of the United States -- that which seeks to undermine its institutions, or to distort its functions, or to impede its projects, or to lessen its efforts, the ultimate end being to overturn it all."

On April 12, 1962, The House of Representatives (with concurrence of the Senate) passed a resolution ordering the printing of a "Guide to Subversive Organizations and Publications" which had been prepared by its Committee on Un-American Activities.

In this document are listed all organizations and publications, cited by Federal or State authorities, including United States Attorneys General, with being either Communist, Communist-front, Fascist, or otherwise extremist in character.

Twenty-three "totalitarian" organizations, Japanese in origin, and dating from World War II days were listed. An additional 22 organizations, mostly of Italian or German origin were listed as "fascist". Nine more organizations (most of them Ku-Klux Klan in character) were listed because they had "adopted a policy of advocating or approving the commission of acts of force and violence to deny others their rights under the Constitution of the United States."

Finally, there were a total of 663 organizations or projects and 122 publications cited as Communist or Communist Front by Federal Agencies, plus an additional 155 organizations and 25 publications cited as Communist or Communist front by State or Territorial investigating committees.

During the past three years we have heard the John Birch Society and its members denounced as "subversive" and "treasonable" by editors, writers, TV and radio commentators, politicians, clergymen, etc. The average citizen, quite naturally, concludes that there must be some truth to these charges.

But is there?

The purposes of the John Birch Society, as stated in its printed material, and repeated over and over again by its leadership, is to educate its members in the evil ways of the atheistic, criminal conspiracy. Furthermore, the Society continues to point out how this evil force is infiltrating and subverting all which we hold dear to our very existence in a free United States of America.

It does not propose to seize or overthrow our government.

It does not propose the use of force or extra-legal methods to achieve its aims.

It does not seek to undermine our confidence or faith, either in our religion, our morals, our tradition, or our Constitution. Quite to the contrary.

Many people disagree strongly with the way in which the Society operates. They object to the personalized control exercised by Mr. Robert Welch as well as to many of his statements. They object to the drive and pressure brought upon politicians, school board officials, clergymen, do-gooders, etc. by the eager-beaver members of the John Birch Society. They object to labeling so many causes, organizations and persons as being "pro-communist".

But, what too many of these people forget is that the right to criticize and attack (even unfairly) any cause, any organization, or any person who espouses them, is basic to our form of government, so long as it is open and above-board.

During the past three years, both Federal and State Investigating Committees have been asked to check on the John Birch Society -- and this they have done, you may be sure. Most amazing of all -- the leaders of the John Birch Society have pleaded for such an investigation. They have promised that none of their members would "take the 5th Amendment" to avoid testifying in full. (What a contrast this is to the pro-communists, who fight

every investigation, who denounce and insult the committees and their attorneys, who try to break up the hearings by demonstrations, and who constantly seek refuge behind the Fifth Amendment.)

After Governor Pat Brown of California, in numerous public speeches, had labeled the actions of the John Birch Society as "subversion of the worst kind", the head of that organization, Mr. Robert Welch, sent the following telegram to Governor Brown, with copies to Attorney General Mosk and State Senator Hugh Burns, chairman of the Committee on Un-American Activities:

"We respectfully and, in view of statements made to the press by officials of your State, urgently demand the proposed investigation of the John Birch Society by the California State Senate Committee on Un-American Activities.

"A dozen, or a hundred, or a thousand of our members in California will gladly testify, and we can assure you that, unlike our Communist enemies, none of our members will take the Fifth Amendment. We will gladly cooperate with the committee in every way we can."

Mr. Paul Talbert, of Beverly Hills, and one of the California council members of the organization, added:

"We, the John Birch Society, will not picket any investigating committee that might see fit to investigate us.

"We all believe in loyalty oaths, preservation of the

Connally Amendment, restoration of the investigative powers of the Federal Bureau of Investigation and any other government committee for the investigation of subversion."

Answers, similar to the above, poured in not only upon Washington and Sacramento, but almost every other State Capitol in the entire country from members of the organization.

What happened then?

Those who had been shouting longest and loudest for Federal or State investigations of the John Birch Society suddenly reversed themselves. "Don't investigate them," they cried, "for these sly and tricky Birchers will use the investigations as forums to expound their evil philosophy."

In a formal report to Governor Brown of California, dated July 7, 1961, Attorney General Stanley Mosk declared:

"The cadre of the John Birch Society seems to be formed primarily of wealthy businessmen, retired military officers and little old ladies in tennis shoes. They are bound together by an obsessive fear of 'communism', a word which they define to include any ideas differing from their own, even though these ideas may differ even more markedly with the ideas of Marx, Engels, Lenin and Khrushchev. In response to this fear they are willing to give up a large measure of the freedoms guaranteed them by the United States Constitution in favor of accepting the dictates of their

'Founder'. They seek, by fair means or foul, to force the rest of us to follow their example. They are pathetic."

Then followed fourteen pages of "documentation" which is so obviously biased, so full of holes, so much a quoting of second and third hand sources without any verification, that while its value as a legal document is probably nil, its value as a propaganda piece would rank very high.

But, significantly, the attorney-general, finally makes this point:

"The Birch Society has an equal right with the Prohibitionists, the Vegetarians, the Republicans, the Democrats, or for that matter, with any American, acting singly or in a group, to an expression of its views; and no official, no matter how highly placed, can say them nay... We have not conducted an investigation of the John Birch Society, nor do we intend to -- we are not 'Birch Watchers'."

On April 1, 1961, The Los Angeles Examiner (and probably all other Hearst papers as well) featured under a seven column banner headline reading "JOHN BIRCH SOCIETY BRANDED ANTI-AMERICAN" an article by Frank Conniff, National Editor of the Hearst Newspapers. Wrote Conniff "This reporter happens to know the FBI has taken a dim view of the John Birch Society for quite some time now and has its agents in the proper places to maintain

surveillance over its activities.

"From what one can learn of the inner structure of the John Birch outfit, its table of organization resembles nothing so much as the prospectus of the Ku-Klux Klan when it was gathering strength in the 1920's.

"It can be taken for granted that eventually it will reveal itself as an anti-Catholic, anti-Semite movement....."

Mr. Hoover was asked by wire if the above statements by Frank Conniff were true. His reply by wire declared:

THE FBI IS INVESTIGATIVE AGENCY OF THE FEDERAL GOVERNMENT AND DOES NOT MAKE EVALUATIONS OR DRAW CONCLUSIONS AS TO THE CHARACTER OR INTEGRITY OF ANY ORGANIZATION, PUBLICATION OR INDIVIDUAL. CONSEQUENTLY, NEITHER MYSELF NOR ANY REPRESENTATIVE THIS BUREAU COULD HAVE MADE STATEMENT TO WHICH YOU HAVE REFERRED.

JOHN EDGAR HOOVER, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

The nation-wide attempt to make the American public view the Birch Society and its members as possible subversives failed, that is true. But it did put them under a cloud of suspicion. Furthermore, the false charges are still being repeated, over, and over, and over. And none are more willing workers in this field of political character assassination than those who play down the communist menace, or view business and military men with a jaundiced eye.

GUILT BY ASSOCIATION

For at least a quarter of a century, left-leaning publicists, professors, politicians and lawyers have cried "foul play" each time Congressional or State Investigating Committees have released information about some person's present or former affiliation with Communist or Communist Front organizations. (Of course, it's always been quite proper to do so if the affiliations were with fascist, nazi, or racist-minded organizations.)

Professor Henry Steele Commager of Columbia University, in his book FREEDOM, LOYALTY, DISSENT, probably developed the best case for those who attack the whole theory of guilt by association.

Not till "the mis-called Alien Registration Act of 1940," wrote the learned professor, "did guilt by association achieve the status of federal law and policy. It became not only a crime but a disability and a sin by virtue of President Truman's Loyalty Order of 22 March, 1947 - an order which set up as one standard for employment and dismissal 'membership in, association with, or sympathetic affiliation with any... organization, movement, group or combination of persons, designated by the Attorney General as...subversive.'" Since then this cloud, originally no bigger than a man's hand, has grown until it fills and darkens the whole horizon."

The folk-wisdom of the ages, expressed in sayings

such as "birds of a feather flock together" and "there is no smoke without fire" are dismissed by Commager as "shibboleths".

The theory of guilt by association, in the eyes of the professor, is the most "pernicious doctrine (that has) ever found its way into American law or into popular acceptance... It is pernicious in principle, in application, and in consequences. It is based on fear and suspicion, on ignorance and bigotry, on arrogance and vanity. It is designed not to save us or to strengthen us, but to subvert vital parts of our democracy and our constitutional system."

Hundreds of thousands of Americans have, at one time or another quite innocently joined communist front organizations--but when they discovered the true nature of these organizations they got out.

But there are several thousand Americans - writers, teachers, actors, clergymen, lawyers, doctors, social workers, etc. who have joined or assisted not one or two, but tens and dozens of such notorious front organizations--- and have refused to disavow them even after being informed of their dubious or outright subversive character. If such people be innocent, then they must constitute that small minority of the American people, whom President Lincoln said could be fooled all the time.

Whether we like it or not we are judged by the company we keep. If our children get mixed up with juvenile delinquents we do all in our power to break the association for fear of possible consequences. If one of

our adult friends is found to be spending a great deal of time with shady characters, we bend every effort to wean him away from them.

All of us are guilty - guilty of associating with the kind of people we like. When we find the people, the causes, the ideas, the organizations no longer congenial to us, we drop them. That is the way of life.

The Communists and their stooges strenuously fight the theory by guilt of association when it effects them. But they have developed their own unique type of guilt-by-association technique. Thus, for example, every employer is an exploiter; every good American an imperialist; every bona fide elected official who will not heed Moscow is a tool of capitalism; every citizen who joins forces with others to expose communist intrigue and subversion is a fascist.

Consciously or unconsciously, a great many people (and some of them in high places) have used this same technique to equate the John Birch Society and its members with organizations and causes that are an anathema to most Americans. Thus, stories have been spread among our foreign born citizens that the Birchers are anti-alien. Among negroes, the rumors are spread that it is pro-segregationists and pro-Klan. Catholics are told it is anti-Catholic. Protestants are told it is controlled by the Catholics. Jews are told it is anti-semitic.

In a speech before the Tuolumne County Chamber of Commerce, March 27, 1961, Attorney General Mosk of California referred to the John Birch Society as "one of the fanatical groups on the extreme right" which "must be as closely checked as the Communists, for they are equally dangerous to democracy." This certainly is guilt by association.

Attorney-General Mosk suggested 6 tests "to ascertain whether an organization is extremist and should be suspect by loyal Americans." He added, "Apply those six tests, and you will avoid entangling memberships with, and contributions to such groups as the American Nazi Party, the Communists, the Ku-Klux Klan, the John Birch Society, the Cinema Education Guild, the Muslims and others of that type."

Notice how diabolically he has associated the John Birch Society with organizations that are despised and discredited by most Americans. In communist jargon, this is called "creating an amalgam"--that is, you link the person, persons, or organizations you wish to destroy in the minds of your audience with other persons or organizations which are generally hated and despised.

What has Professor Commager to say about this? So far he has been conspicuously silent. Nor have I seen or heard one word of criticism from the liberal press or news commentators concerning this perversion of guilt by association.

THE SUPREME COURT AND THE CHIEF JUSTICE

That which most helped to raise the blood pressure of so many radicals and other well-meaning citizens, was the suggestion by the Birch Society that impeachment proceedings be initiated against the Chief Justice of the Supreme Court, Mr. Earl Warren.

Doesn't such behavior by the Birchers brand them as the most dangerous of all subversive forces! How dare they call themselves "patriotic"! Why, even the Communists haven't sunk so low!

I do not happen to agree with the Birchers on the feasibility of the impeachment of Justice Warren ---and I know, as they do, that the sole power to try impeachment rests with the United States Senate.

Impeachment of a civil official, or a member of the Federal judiciary does not remove such person from the office he holds. Impeachment proceedings is the action taken by the House of Representatives to determine whether a person should be charged with misconduct or malfeasance in office. If, in the opinion of the House of Representatives, a person is considered to be guilty it advises the Senate of the United States. This action constitutes impeachment and the Senate, sitting as a jury, tries the person so impeached. If the individual is found guilty by a two-thirds vote of the Senate, he is removed from office.

An impeachment by the House of Representatives is similar to an indictment by a Grand Jury. Unless the Senate tries the impeachment and finds the person guilty of the charges made by the House of Representatives, the impeachment is ineffective -- it accomplishes nothing.

There is nothing improper about an impeachment. It is the method provided by the Constitution to bring into debate the actions of a civil officer of the Government and, if they are considered questionable, to provide for his trial by the Senate where he is given full and complete opportunity to defend himself.

To those who believe the Supreme Court and its members sacrosanct, let me point out that at least four distinguished Presidents of the United States did not think so: Jefferson, Jackson, Lincoln, and Franklin D. Roosevelt.

If the critics of the Birch Society would familiarize themselves with the history of our country they would learn:

1. Thomas Jefferson became engaged in a battle with the Supreme Court from the day he became President--a battle which did not end till long after he had left the White House. He distrusted and hated Chief Justice John Marshall, and referred to him as one "whose mind was of that gloomy malignity which will never let him forego the opportunity of satiating it upon a victim." The Jeffersonian newspapers blasted the Supreme Court and its Chief Justice

day after day. But no one considered this disloyalty to the country.

In 1804-5 President Jefferson, to gain a majority of the Supreme Court favorable to his point of view, set in motion action to bring about the impeachment of Associate Justice Samuel Chase of Maryland. That Jefferson failed in this was not for want of trying. His point of view, as expressed by two of his leaders, Senators Giles and Randolph, appears in the diary of John Quincy Adams, dated December 20th, 1804:

"not only Mr. Chase, but all the other judges of the Supreme Court, except the one last appointed, must be impeached and removed."

2. Andrew Jackson indicated on a great number of occasions his suspicion of the Supreme Court. When he took the oath to support the Constitution, it meant, he had declared, that he would support it as he understood it--not as outsiders (that is, the Courts) understood it. And later, when Chief Justice Marshall ruled that the State of Georgia could not make laws setting aside an existing treaty between the Cherokee Indians and the United States, President Jackson exclaimed angrily, "John Marshall has made his decision; now let him enforce it!" Thus did he nullify the Court's decision.

Jackson, like Jefferson, sought to make the Supreme Court a tool of his Party and Administration. When John

Marshall died in 1835, President Jackson nominated to fill the post of Chief Justice, Roger Brooke Taney, a highly partisan politician, who had already been twice rejected by the Senate for other high offices. This time he was confirmed.

3. Abraham Lincoln took up the cudgels against the Supreme Court in his 1858 debates with Stephan Douglas. The year before, On March 6, 1857, Chief Justice Taney had promulgated the famous Dred Scott decision. The collusion between President Buchanan and the majority of the Supreme Court in achieving this decision was suspected at the time, but not proved till decades later. (PP.335-341 Burton Hendrick: Bulwark of the Republic - 1937)

When Lincoln challenged the action of the Supreme Court and Chief Justice Taney he found himself labeled as one who sought to destroy the sanctity of the Court and its decisions. Lincoln refused to be stampeded into silence, when he considered the action of the Court wrong. He refused to accept the premise that, once the highest tribunal had spoken, public officials and private citizens alike must accept its acts as final and immutable. Stephen Douglas, on the other hand, charged Lincoln with seeking "to bring the Supreme Court into disrepute among the people...to destroy confidence in the highest judicial tribunal on earth." Lincoln was charged with advocating "lynch-law" and "violence" and to "stir up strife and rebellion in the land."

Lincoln believed that the highest court settled a pending case, and it fixed the law, that is, until the courts themselves decided otherwise. "He believed in the unfettered right of the unjudicial public to criticize the most learned opinion, and, in case it contavened the Constitution, to do all in its power to secure a reversal. Political parties could even advocate policies that 'defied' the Supreme Court and not lose standing as decent, law-abiding organizations. Congress could adopt laws, and Presidents could sign them, that embodied constitutional ideas of which the 'highest tribunal' had disapproved." (P. 340-341- Burton Hendrick: Bulwark of the Republic.)

4. Less than 30 years ago, in 1937 to be exact, President Franklin D. Roosevelt, angered at the action of the Supreme Court in ruling unconstitutional some of his pet New Deal panaceas (especially the National Recovery Act) launched a broadside attack upon the then majority of the Court. They were "nine old men" out of step with the times, who were holding back the nation. At the Democratic Victory Dinner in Washington, D.C., March 4, 1937, the President charged that "the personal, economic predilections of the Court majority has rendered the national and State governments powerless to deal with pressing problems." And in a nation-wide radio address he maintained that the Supreme Court, by its recent actions "cast doubt on the ability of the elected Congress to protect us against

catastrophe..." (P. XXI- Burton Hendrick: Bulwark of the Republic.)

So Roosevelt proposed a court-packing scheme, along with compulsory retirement of its older members. The issue was fiercely debated all over the country--with almost every one of the 'liberal' leaders of that day joining in the attack on the Court. But this has been conveniently forgotten today.

Just why were the members of the John Birch Society (and hosts of others as well) so critical of our present Supreme Court and its Chief Justice?

Communist subversion, infiltration, espionage and propaganda has been going on in this country ever since Lenin and his Bolshevik cohorts seized power in Russia in November 1917. During and since World War II it has grown by leaps and bounds. The Congress of the United States as well as most of the State legislatures have passed many laws to protect our country and its citizens from this Red Cancer.

The records of the numerous hearings made by House and Senate investigating committees concerning the many aspects of subversion extend back over 40 years. The very first, a Senate committee, whose chairman was Senator Lee Overman, took more than 4,000 pages of testimony. The first House committee, authorized in 1920, and headed by Congressman Hamilton Fish of New York, held hearings in all parts of the country. Its records fill twenty-two volumes. Then came the famous Dies Committee

of 1938, with an even greater volume of testimony and findings.

Since then have come several other House and Senate investigating committees, each devoted to tracking down one or more phases of the Communist Conspiracy. The printed testimony fills hundreds of volumes. Based upon this voluminous testimony have come the many laws designed to protect our country.

The communists and their fellow-travellers, generously aided by "innocents", "bleeding-hearts", left-leaning liberals, unscrupulous politicians and lawyers have waged unremitting warfare against these Congressional Investigating Committees for almost 40 years. For most of that time they were equally critical of the United States Supreme Court. But in recent years they have made a 180 degree turnabout. They now vigorously defend the Court, and malign those who dare attack it.

How did this come about?

During the decade 1943-1953 a total of 34 cases came before the Supreme Court involving Communist and security questions. In 19 of these cases the Court ruled against the communists, and in 14 cases it ruled for them.

Former Governor Earl Warren was appointed Chief Justice of the Supreme Court early in 1953. Within the next 4-1/2 years the Court heard 39 cases directly related

to the Communist issue. During those 4-1/2 years the Court, under its new Chief Justice, ruled against the Communists in only 9 cases, but it ruled for them in 30 cases. Chief Justice Warren's batting average was 3 against and 36 in favor of the arguments advanced by the pro-communist attorneys.

Within Congress as well as out of it people began asking themselves "What good is it to pass laws tightening our internal security measures when the Supreme Court strikes them down?" How long must the will of 180,000,000 people be rendered null and void by a handful of five, six or seven Supreme Court Justices? Must the long years of careful investigation, of check and counter-check, of the labor and study involved in drafting adequate legislation, by literally thousands of security officers, prosecutors, state legislators, judges, as well as the entire membership of the United States Congress be for naught?"

One respected authority declared:

"The very audacity of this incredible assumption of sole and final knowledge and insight into a problem as complex as Communism, which threatens the very foundations of America, by five or six men, is both shocking and frightening."

The almost unbelievable actions of the Supreme Court in recent years brought forth the following statement on the floor of the Senate by the honorable Senator John McClellan of Arkansas:

"These and other cases made it appear to many lawyers in all parts of the country that the Court was giving judge-made protection to the Communist Party of the U.S.A. against the powers of the sovereign States and the obvious legislative intent of the Congress, thus weighting the security of the United States too lightly on the scales of justice.

"Protest against the trend of these decisions came from many quarters. The lawyers of the Nation were among the loudest protestants. The National Association of Attorneys General, the Association of Chief Justices, and the Committee on Communist Tactics, Strategy and Objectives of the American Bar Association were among the most influential voices heard in criticism."

Way back in 1821, long before the time of Marx and Engels, and almost a century before Lenin and his cohorts imposed a ruthless communist dictatorship upon the people of Russia, Thomas Jefferson wrote:

"It has long been my opinion and I have never shrunk from expressing it...that the germ of the dissolution of our Federal government is in the constitution of the Federal judiciary. An irresponsible body... working like gravity by night and day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction until all shall be usurped from the States and the government of all be consolidated into one."

We may disagree as violently as we wish with the pronouncements and writings of the members of the John Birch Society concerning the Supreme Court and Chief Justice Warren.

But if we know our history, we must admit that they have ample precedents to justify their actions.

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LET'S COMPARE RECORDS

On the following pages I present without comment brief biographical sketches of leading members of the John Birch Society and some of its most outstanding critics and detractors. Weigh this evidence carefully. Then make your decision as to which group offers the greater threat (or the greater hope) to our country, its ideals and its institutions.
